

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: William P. Fell
Serial Number: 10/696,418
Filed: October 29, 2003
For: Jet Powered Steering System For Small Boat Outboard Motors

Art Unit: 3617
Examiner: S. Avila

Remarks

Claims 9-20 remain in the application. Claims 1-8 have been canceled. Claims 21-27 have been added. The application now has three independent claims and 19 total claims. Therefore, no additional fee is required.

Claims 1-4, 6-15, 17 and 19 stand rejected. Claim 5, 16, 18 and 20 are objected to. Claim 14 has been amended. Bases for these amendments are as follows. Claim 14 has been amended to make it depend from claim 13, thereby removing an antecedent problem. New claims 21-24 are based on the original claims 1-8. These claims have incorporated language from claims 4 and 5 into the original claim 1. New claim 25 incorporates the limitations of claim 18 into the original claim 1. Claims 26 and 27 include the limitations of claims 19 and 20, but depend from the new claim 25. The remaining claims restate the limitations of the originals. No new matter has been added.

The Rejections

The examiner has rejected 1-6, 7, 9-11 and 17 under 35 U.S. C. 102(b) as being anticipated by Giacosa.

The examiner has rejected claims 2, 13 and 19 under 35 U.S. C. 103(a) as being unpatentable over Giacosa in view of Buehler.

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The examiner has rejected claims 3, 8 and 12 under 35 U.S. C. 103(a) as being unpatentable over Giacosa in view of Chronic.

The examiner has rejected claims 4 and 15 under 35 U.S. C. 103(a) as being unpatentable over Giacosa in view of Ito et al.

The examiner has rejected claims 14 under 35 U.S. C. 103(a) as being unpatentable over Giacosa in view of Buehler as applied to claim 9 and in further view of Chronic.

The examiner has also rejected claims 3 and 14 under 35 U.S. C. 112 2nd paragraph because there is no antecedent basis for "said tiller".

Allowable Subject Matter

The examiner states that claims 5, 16, 18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response

The applicant believes that all of the rejections and objections have been resolved. Regarding the rejections of claims 1-8, these are now moot in that these claims have been canceled.

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Regarding the § 102 rejection of claim 9, the examiner states that Giacosa has "an adapter ring P1, P2 and, brackets I1 and I2 attached to the nozzle and pivotable with respect to the ring...." A careful reading of Giacosa reveals that P1 and P2 are not an adapter ring at all but are "inclined faces, which act as abutment stop surfaces for the deflector nozzle 17 when it is turned through its maximum angle about the axis n the hinges 18, 19." (See Giacosa, col. 3, lines 43-46).

Moreover, what the examiner calls brackets I1 and I2, are in reality "subsidiary nozzle outlets I1 and I2". As explained in Giacosa: "At the front of the nozzle 17 there are two subsidiary nozzle outlets I1 and I2. The axis of these outlets diverge forwardly from the longitudinal axis of the nozzle 17 at an angle of about 45...." (See Giacosa, col. 3, lines 35-38).

Clearly then there is no adaptor ring or brackets to be found in Giacosa. The inclined faces P1 and P2 are formed on the outlet 15 and are really nothing more than flat spots on the cylindrical outlet 15 that the deflector 17 abuts against when the deflector is fully turned. The "brackets" I1 and I2 are really openings that flare out from the back of the deflector. These openings redirect the flow backwards when the reverse thrust cover is deployed. See the discussion of operation in Giacosa, col. 4, lines 14-59.

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Because the adaptor ring and brackets taught in the instant invention are not shown in Giacosa, the anticipation rejection of claims 9-11 and 17 must fail. Because Giacosa lacks these key elements of the instant invention the § 103 rejections based on the other references cited must also fail. There is nothing in Ito et al, Buehler or Chronic that suggests or teaches the invention as claimed. Therefore, applicant believes that these rejections have been overcome.

Finally, claim 14 has been amended to make it depend from claim 13, thereby removing the § 112 rejection.

Regarding the new claims 21-24, applicant has combined the limitations of the original claims 4 and 5 into the original claim 1. Inasmuch as the examiner has indicated that this claim language would be allowable, applicant believes these new claims are also allowable as well.

Regarding claims 25-27, the examiner has indicated that claims 18-20 would be allowable if rewritten in independent form. These claims are believed allowable because claim 9 is believed allowable, as discussed above. The new claims 25-27 incorporate the language of claims 18-20 based on the original claim 1 language. Applicant believes these are also allowable in that the elements in these claims are not found in the references cited by the examiner.

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Conclusion

In view of the above, the applicant believes that all of the objections and rejections have been resolved. Reexamination reconsideration and approval of the claims, as amended, are requested soon.

Respectfully Submitted



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